

On October 3, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3139. Adulteration and misbranding of vanilla extract. U. S. v. 1 Barrel of Vanilla Extract. Product ordered released on bond. (F. & D. No. 5272. S. No. 1859.)

On July 8, 1913, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel of vanilla extract, remaining unsold in the original unbroken package and in possession of the Sweet Candy Co., Salt Lake City, Utah, alleging that the product had been shipped by A. Irvine Co., San Francisco, Cal., on or about May 29, 1912, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Essence of Vanilla guaranteed pure—A. Irvine Co. Manufacturing Chemists, 715-17-19-21 Battery St. San Francisco, California. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 31595."

Adulteration of the product was alleged in the libel for the reason that it contained an imitation of vanilla extract which had been mixed with and substituted in part for vanilla extract. Misbranding was alleged for the reason that the label above set forth was false and misleading so as to mislead and deceive the purchaser thereof in that said label represented the contents of the barrel to be guaranteed pure essence of vanilla, whereas, in truth and in fact, the product contained in part an imitation vanilla extract so mixed and packed with it as to reduce and lower its quality and strength, and said product was not in fact a pure essence of vanilla.

On July 30, 1913, the case having come on for hearing and it appearing to the satisfaction of the court that all the costs of the proceedings, amounting to the sum of \$17.67, had been paid by the said Sweet Candy Co., claimant, and that said claimant had executed bond in the sum of \$150, in conformity with section 10 of the act, it was ordered by the court that the product should be delivered to said claimant.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 21, 1914.*

3140. Adulteration and misbranding of wine. U. S. v. 15 Cases of Wine. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5273. S. No. 1858.)

On July 5, 1913, the United States Attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 12 bottles of wine, 15 of which cases remained unsold in the original unbroken packages and in the possession of Hermann Bros., Louisville, Ky., alleging that the product had been shipped on March 4, 1913, by the Sweet Valley Wine Co., Sandusky, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Special Scuppernong Bouquet. Delaware and Scuppernong Blend Ameliorated with sugar." (On two ends) (On one side) "12 bottles" (On other side) "Hermann Bros. Louisville, Ky. Keep from freezing. Glass with care." The bottles were labeled: (Neck label) "Guaranteed by the Sweet

Valley Wine Co. under the Food and Drugs Act, June 30, 1906. Special—Trade Mark.” (Principal label) “Delaware and Scuppernong Blend Ameliorated with Sugar Solution—Scuppernong Bouquet Wine—The Sweet Valley Wine Co., Sandusky, O.—Registered—Trade Mark.”

Adulteration of the product was alleged in the libel for the reason that another substance than Scuppernong or Delaware wine had been mixed with it so as to injuriously affect its quality, to wit, a certain product prepared, sweetened, mixed, and flavored in imitation of Scuppernong wine, and said words in said brands upon the cases, to wit, “Special Scuppernong Bouquet Delaware and Scuppernong Blend Ameliorated with sugar,” and said words upon the bottle labels, to wit, “Delaware and Scuppernong Blend Ameliorated with Sugar Solution Scuppernong Bouquet Wine,” indicated that the product consisted exclusively of Delaware wine and Scuppernong wine with sugar or sugar solution added, when, in truth and in fact, some product, a further description of which was to the United States attorney unknown, had been substituted for Delaware and Scuppernong wine, and had been mixed with said wine so as to injuriously affect its quality. Misbranding was alleged for the reason that each of the bottles of wine bore a statement regarding the substance contained therein which was false and misleading, to wit, a label bearing among other things the words “Delaware and Scuppernong Blend Ameliorated with Sugar Solution Scuppernong Bouquet Wine,” which said statement and label was false and misleading, in that it represented the contents of each of the bottles to be a blend of Delaware and Scuppernong wine exclusively with sugar solution added thereto, whereas, in fact and in truth, some other product, a further description of which was to the United States attorney unknown, had been substituted in part for Delaware and Scuppernong wine.

On September 2, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be sold by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 6, 1914.

3141. Adulteration and misbranding of brandy. U. S. v. 4 Cases of Brandy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5274. S. No. 1862.)

On July 11, 1913, the United States Attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 12 bottles, purporting and represented to contain brandy, remaining unsold in the original unbroken packages and within the premises at No. 630 Smithfield St., Pittsburgh, Pa., alleging that the product had been shipped on or about February 26, 1913, by the Cook & Bernheimer Co., New York, N. Y., and transported from the State of New York into the State of Pennsylvania, consigned to W. J. Friday & Co., Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) “Maure Frères Choice Brandy Blended Feby. 24, 1913, No. 701, Glass this side up. Caution: Examine case carefully and if it shows any evidence of having been tampered with open in the presence of transportation agent W. J. Friday & Co., Pittsburgh, Pa.” (On bottles) (On neck label with a design of two stars) “Maure Frères.” (On principal label) A design and “Maure Frères Brand Cognac Type Blended Brandy.”

Adulteration of the product was alleged in the libel for the reason that a substance, to wit, an imitation brandy product, had been mixed and packed